

March 9, 2015

West Des Moines City Council Proceedings
Monday, March 9, 2015

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, March 9, 2015 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 1. Agenda. It was moved by Sandager, second by Trevillyan approve the agenda as presented.

Vote 15-079: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council Member Messerschmidt reported he attended a meeting of the Metro Advisory Council's Housing Tomorrow Steering Committee, which is currently conducting a survey to collect information on affordable housing issues in the Des Moines metro. He also stated a dinner will be held on March 12 in Des Moines to discuss affordable housing issues.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Sandager to approve the consent agenda as presented.

- a. Approval of Minutes of February 23, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Windrum Enterprises, LLC d/b/a Fuddruckers, 6378 Mills Civic Parkway - Class BB Beer Permit with Sunday Sales - Renewal
 - 2. Git N Go Convenience Stores, Inc. d/b/a Git N Go Convenience Store #4, 1325 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
 - 3. Hy-Vee, Inc. d/b/a Hy-Vee Gas #4, 665 South 51st Street - Class BC Beer Permit with Sunday Sales - Renewal
 - 4. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - March 11-12, 2015
 - 5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - March 26, 2015

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6. Sri Ganesh, LLC d/b/a Paradise Biryani Pointe, 6630 Mills Civic Parkway, Suite 3102 - Class BW Permit with Native Wine and Sunday Sales - Renewal
7. Quik Trip Corporation d/b/a Quik Trip #517, 1451 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
8. W West Investments, LLC d/b/a Wellman's West, 597 Market Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
9. W West Investments, LLC d/b/a Wellman's West Rooftop, 597 Market Street (Rooftop) - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
- d. Approval of Orders for Violations of Alcohol Laws
- e. Approval of Lane Closure for Special Event - Lutheran Church of Hope Easter Services
- f. Approval of Appointment - Library Board of Trustees
- g. Approval of Change Order #1 - 139 6th Street Building Renovation Dispatch Radio
- h. Approval of Amendment No. 1 to Professional Services Agreement - Pine Avenue Improvements, South 8th Street to End of Paving
- i. Approval of Amendment No. 1 to Professional Services Agreement - Community Center Interior Renovations
- j. Approval of Recommended Name - Hidden Point Park
- k. Order Construction
 1. 2015 PCC Patching Program Phase I
 2. Frink Creek Sanitary Sewer
- l. Accept Work - Fire Station 21 Parking Lot Replacement Program
- m. Approval and Acceptance of Irrevocable Offer of Dedication, Cross Access Easement and Sanitary Sewer Easement - Clocktower Square, 2800 and 2900 University Avenue
- n. Approval of Iowa Economic Development Authority - High Quality Jobs Program Application - Hy-Vee Inc.
- o. Approval of Study- Dixie Acres Sanitary Sewer
- p. Approval and Acceptance of Purchase Agreement, Condemnation Award, and Easements - Fox Creek Sanitary Sewer Project

Vote 15-080: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Maple Grove West, southeast corner of the Union Pacific Railroad and 98th Street - Amend the Planned Unit Development (PUD) to Modify Requirements for Setbacks, Buffers, and Architecture, initiated by Rock Equity Holdings, LLC

It was moved by Sandager, second by Trimble to consider the second reading of the ordinance.

Vote 15-081: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The acting City Clerk read the preamble to the ordinance.

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It was moved by Sandager, second by Trimble to approve the second reading of the ordinance.

Vote 15-082: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Trimble to waive the third reading and adopt the ordinance in final form.

Vote 15-083: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Various Chapters - Define and Establish Regulations for Brewery Tap Rooms, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to consider the second reading of the ordinance.

Vote 15-084: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Trimble... 1 abstain due to potential conflict of interest
Motion carried.

The acting City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the second reading of the ordinance.

Vote 15-085: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Trimble... 1 abstain due to potential conflict of interest
Motion carried.

It was moved by Sandager, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 15-086: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Trimble... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(c) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 6 (Maintenance of Parking Terrace and Sidewalks) - Notice to Abutting Property Owners to Repair Sidewalks, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Messerschmidt to consider the second reading of the ordinance.

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Vote 15-087: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The acting City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the second reading of the ordinance.

Vote 15-088: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 15-089: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) 2011 Sidewalk Improvement Program, initiated by the City of West Des Moines

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Release of Conditional Deficiencies

Vote 15-090: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Westport Development Annexation, located west of Wendover Road and north of Mills Civic Parkway (approximately 63.25 acres) - Voluntary Annexation, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on February 20, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Mickelson to adopt Resolution - Approval of Voluntary Annexation and the Transition for the Imposition of City Tax

Vote 15-091: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider 2015 HMA Resurfacing Program, initiated by the City of West Des Moines. He asked for the

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date the notice was published and the acting City Clerk indicated the notice was published on February 28, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Des Moines Asphalt and Paving Co.

Vote 15-092: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider 2015 Concrete Trail Renovation, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on February 28, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Iowa State Contractors, Inc.

Vote 15-093: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Prairie Parkway Tree Cutting, Mills Civic Parkway to Wendover Road, initiated by the City of West Des Moines. He asked for the date the notice was published and the acting City Clerk indicated the notice was published on February 28, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Spring Lake Construction.

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Vote 15-094: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Issuance of \$22,490,000 General Obligation Urban Renewal Bonds, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to adopt Motion - Receive and File Report of Bids and Resolution - Award Sale.

Jenny Blankenship, Public Financial Management, 801 Grand Avenue, Des Moines, presented the tabulation of bids for this bond issuance and reported eight bids were received, which included 45 bidders that went in as syndicates. She stated the low bid, submitted by Piper Jaffray & Co., came in at a true interest rate of 2.5328 percent.

Vote 15-095: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Issuance of \$12,835,000 Taxable General Obligation Urban Renewal Bonds, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to adopt Motion - Receive and File Report of Bids and Resolution - Award Sale.

Ms. Blankenship presented the tabulation of bids for this bond issuance and reported seven bids were received, which included 38 bidders that went in as syndicates. She stated the low bid, submitted by Piper Jaffray & Co., came in at a true interest rate of 2.4818 percent.

Vote 15-096: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Issuance of \$3,475,000 General Obligation Urban Renewal Refunding Bonds, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to adopt Motion - Receive and File Report of Bids and Resolution - Award Sale.

Ms. Blankenship presented the tabulation of bids for this bond issuance and reported five bids were received, which included 42 bidders that went in as syndicates. She stated the low bid, submitted by Hutchinson, Shockey, Erley & Co., came in at a true interest rate of 1.3309 percent, and it is expected to generate \$22,000 to \$33,000 savings per year.

Vote 15-097: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 7(d) Public Art Master Plan, initiated by the City of West Des Moines.

Gary Scott, Director of Parks and Recreation, introduced Lynette Pohlman, who the City has contracted as a consultant for public art planning.

Council member Messerschmidt inquired how staff will ensure the master plan's goal dates are being met.

Mr. Scott responded the dates were established as a guide for what the timeline could look like but are not necessarily written in stone.

Council member Messerschmidt inquired if this plan is supported by the Public Art Advisory Commission.

Mr. Scott stated the plan was approved unanimously by the Public Art Advisory Commission.

Council member Messerschmidt inquired if there are any updates regarding the completion of the public art along Railroad Avenue.

Mr. Scott responded that project was considered as a potential priority by the Public Art Advisory Commission, but they decided to focus on a different part of the city for their first project. He stated the Council made no commitment to fund additional sculptures along Railroad Avenue.

Council member Trimble inquired if the Public Art Advisory Commission has discussed seeking donations from the community for artwork.

Mr. Scott responded the current funding is sufficient for the projects planned for the near future, but the commission may consider seeking donations to fund a significant project in the future.

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Master Plan.

Vote 15-098: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Teamsters Local #238 (Westcom) - Contract July 1, 2015 thru June 30, 2018, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval of Contract.

Council member Trevillyan inquired if the salary increases will be across the board.

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Jane Pauba Dodge, Human Resources Director, responded the salary increases will be across the board, and no changes were made to the step matrix.

Vote 15-099: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) South Water Tower Place, 4001 and 4055 Westown Parkway - Amend the Planned Unit Development (PUD) to Modify Architectural Standards - City Initiated - Referred to Plan and Zoning Commission

On Item 8(b) 7920, 8120, and 8180 Ashworth Road Rezoning - Consistency Zone Property from Unzoned to Single Family Residential - City Initiated - Referred to Plan and Zoning Commission

On Item 9 - Other Matters: none

The meeting was adjourned at 6:04 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor